

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**TONY RAPATZ, ALICE GUERRA, and
KATHERINE GUERRA,**

Plaintiffs,

v.

No. 12-cv-0827 RHS/SMV

**JOE MARTINEZ , CHRISTIAN LOPEZ,
ROBERT VIGIL, DANNY PACHECO,
CITY OF ESPAÑOLA EMPLOYEES AND
SUPERVISORS JOHN/JANE DOES, and
CITY OF ESPAÑOLA,**

Defendants.

**ORDER VACATING SETTLEMENT CONFERENCE
AND ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. For the reasons stated herein, the settlement conference on August 25, 2014, will be vacated, and Plaintiffs' counsel will be ordered to show cause in writing no later than August 21, 2014, at 5:00 p.m., why he should not be sanctioned.

On July 29, 2014, the Court held a status conference, at which time the parties agreed to conduct a settlement conference on August 25, 2014. Also at the status conference, the Court explained what would be required of the parties prior to the settlement conference. Those instructions were repeated in the Court's Order Setting Settlement Conference, which was issued on the same day. [Doc. 128]. In pertinent part, the order contained the following directives:

No later than **August 6, 2014**, Plaintiff shall serve on Defendant a letter setting forth at least the following information:
(a) a brief summary of the evidence and legal principles that Plaintiff assert will allow it to establish liability; (b) a brief

explanation of why damages or other relief would be warranted; (c) an itemization of the principles supporting those damages; and (d) a settlement demand.

....

No later than **5:00 p.m. on August 18, 2014**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case and the names of the individuals who will be attending the conference and in what capacity. Position statements must be submitted to the Court by e-mail at VidmarChambers@nmcourt.fed.us.

....

Plaintiff provides copies of settlement letters to the Court by: Aug. 18, 2014, by 5:00 p.m.

[Doc. 128] at 2–4 (footnotes omitted) (emphases in original).

The Court gave verbal instructions at the status conference and subsequently issued a written order requiring Plaintiffs' counsel to submit copies of the parties' settlement letters as well as a confidential position statement to the Court no later than August 18, 2014, at 5:00 p.m. Nevertheless, Plaintiffs' counsel has failed to comply. As a result, the Court is unable to determine whether it would be fruitful to proceed with the settlement conference as scheduled on August 25, 2014. Therefore, the settlement conference will be vacated. Furthermore, Plaintiffs' counsel shall show cause in writing no later than **August 21, 2014, at 5:00 p.m.**, why he should not be sanctioned for failing to comply with the Court's orders.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Settlement Conference on August 25, 2014, is **VACATED**.

IT IS FURTHER ORDERED that that Plaintiffs' counsel shall show cause in writing no later than **August 21, 2014, at 5:00 p.m.**, why he should not be sanctioned for failing to follow the Court's orders.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge